

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
DANVILLE DIVISION

JOHN M. SIBLEY, JR.,

Plaintiff,

v.

RAIL AMERICA, INC.,
a Delaware Corporation, d/b/a VIRGINIA
SOUTHERN RAILROAD and NORTH
CAROLINA & VIRGINIA RAILROAD
COMPANY, INC., a Virginia Corporation,
d/b/a VIRGINIA SOUTHERN RAILROAD

Defendants.

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) Case No. 4:05CV00046
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)

) **ORDER**
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) By: Jackson L. Kiser
) Senior United States District Judge
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Before me now are Defendant Rail America Inc.'s ("Defendant") Motions to Dismiss under Fed. R. Civ. P. Rules 12(b)(1) and (2) for lack of subject matter jurisdiction and personal jurisdiction as claimed in Plaintiff John M. Sibley, Jr.'s Complaint. For the reasons set forth in the accompanying Memorandum Opinion, Defendant's Motion to Dismiss for lack of subject matter jurisdiction is **GRANTED** and Defendant's Motion to Dismiss for lack of personal jurisdiction is **DISMISSED** as moot.

The Clerk is hereby instructed to send a copy of this Order to all counsel of record.

Entered this 11th day of January, 2006

s/Jackson L. Kiser
Senior United States District Judge